

STATE PERSONNEL BOARD CALENDAR



AUGUST 9, 2005

SACRAMENTO, CALIFORNIA

State of California

Memorandum

DATE: July 29, 2005

TO: ALL INTERESTED PARTIES

FROM: STATE PERSONNEL BOARD – Executive Division

SUBJECT: Notice and Agenda for the **August 9, 2005**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on August 9, 2005, at the office of the **Cooperative Personnel Services, located at 241 Lathrop Way, Sacramento, CA 95815, California North/South Conference Room**, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4th Street, Los Angeles, California.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the August 9, 2005, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.



P. Fong
Secretariat's Office

Attachment



CALIFORNIA STATE PERSONNEL BOARD MEETING¹

801 Capitol Mall
Sacramento, California

Public Session Location –

**Cooperative Personnel Services
California North/South Conference Room
241 Lathrop Way
Sacramento, California 95815**

Teleconference – 320 West 4th Street²
Los Angeles, California, Suite 620

Closed Session Location –

Cooperative Personnel Services
California North/South Conference Room
241 Lathrop Way
Sacramento, California 95815
Teleconference – 320 West 4th Street
Los Angeles, California, Suite 620

FULL BOARD MEETING – AUGUST 9, 2005

¹ Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

²Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4th Street, Los Angeles, California.

FULL BOARD MEETING AGENDA³

AUGUST 9, 2005

9:00 a.m. – 3:30 p.m.
(or upon completion of business)

PLEASE NOTE: ALL TIMES ARE APPROXIMATE AND SUBJECT TO CHANGE

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(9:00 a.m. – 10:45 a.m.)

1. **ROLL CALL**
2. **INFORMATIONAL BRIEFING BY THE COOPERATIVE PERSONNEL SERVICES (CPS) STAFF – Susan Helland, Kathryn Hill, Gary Burkett, and Nancy McCurry**

Informational briefing regarding the programs Cooperative Personnel Services (CPS) provides through a contract on behalf of the State Personnel Board. This includes the Administrative Hearing Interpreter and Medical Interpreter Certification Programs; and the Merit Systems Services Programs. Through the Interpreter Programs, CPS establishes, maintains and administers a listing of certified interpreters to provide language assistance in Administrative Hearings and Medical Examinations at state agencies. The Merit System Services Program includes 1) the administration of the Interagency Merit System for employment of income maintenance, food stamps, employment service, social service, Medi-Cal, and child support staff on the basis of standards established and maintained by the SPB for 30 of the smaller California counties; and 2) the review of the personnel practices in the 28 Approved Local Merit System counties for continuing conformity and compliance with federal and state merit standards in their employment of merit staff.
3. **REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**
4. **REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION (DPA) – DPA Representative(s)**
5. **REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS) – Ron Alvarado**

³ The Agenda for the Board can be obtained at the following internet address:
<http://www.spb.ca.gov/calendar.htm>

6. **REPORT OF THE CHIEF COUNSEL – Elise Rose**
7. **NEW BUSINESS**
8. **REPORT ON LEGISLATION – Sherry Hicks**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

BREAK
(10:45 a.m. – 11:00 a.m.)

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(11:00 a.m. – 11:30 a.m.)

9. **ORAL ARGUMENT**

Oral argument in the matter of **JON CHASE, CASE NO. 04-0392A**.
Appeal from 30 working days suspension. Associate Management Auditor.
Employment Development Department.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(11:30 a.m. – 12:00 p.m.)

10. **EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**
Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]
11. **DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

12. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court,
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board,
Sacramento Superior Court No. 05CS00374.

The Copley Press, Inc. v. San Diego Superior Court,
California Supreme Court No. S128603.

Union of American Physicians and Dentists v. Department of Corrections, et al.,
United States District Court, Northern District of California.

13. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the legislature.
[Government Code section 18653.]

14. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.
[Government Code section 18653.]

LUNCH
(12:00 p.m. – 1:00 p.m.)

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(1:00 p.m. – 1:30 p.m.)

**15. HEARING – PERSONAL SERVICES CONTRACT # 05-07:
DGS' Appeal of the Executive Officer's Decision**

Appeal of Department of General Services (DGS) from the Executive Officer's April 22, 2005 Disapproval of a Proposed Three-Year Cost-Savings Contract with American Building Maintenance janitorial Services for Custodial Services for the Franchise Tax Board.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(1:30 p.m. – 1:45 p.m.)

**16. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND
OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

(1:45 p.m. – 2:00 p.m.)

**17. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF
August 30-31, 2005, IN LOS ANGELES, CALIFORNIA**

18. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES

July 13, 2005 Summary Minutes

19. EVIDENTIARY CASES - (See Case Listings on Page 11-16)

**20. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE
SECTION 18671.1 EXTENSION - (See Agenda Page 21-22)**

21. NON-EVIDENTIARY CASES - (See Case Listings on Page 17-19)

22. NON-HEARING CALENDAR

Proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

NONE

23. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

24. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

VICE PRESIDENT, OPERATIONAL MANAGER OF SOUTHERN DISTRICTS

VICE PRESIDENT, OPERATIONAL MANAGER OF NORTHERN DISTRICTS

The State Compensation Insurance Fund proposes to allocate the above positions to the CEA category. The Vice President Operational Manager of Southern Districts and the Vice President, Operational Manager of Northern Districts will be part of the State Compensation Insurance Fund's Executive Committee which approves new programs; annual budgets; policy dividends; all management-level appointments; ensures coordination of State Fund's Programs; and makes strategic and operational decisions.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

BUREAU CHIEF, ADMINISTRATIVE SERVICES BUREAU, ADMINISTRATION DIVISION

The Commission on Peace Officer Standards and Training's proposal to establish the above position to the CEA category has been disapproved effective July 7, 2005.

SPECIAL ASSISTANT, CONSUMER PROTECTION AND FRAUD PREVENTION

The Department of Justice's proposal to establish the above position to the CEA category has been disapproved effective July 7, 2005.

ASSISTANT DEPUTY DIRECTOR, COOPERATIVE FIRE, TRAINING AND SAFETY

The Department of Forestry's (DOF) proposal to allocate the above position to the CEA category has been approved effective July 15, 2005, contingent upon DOF abolishing the existing CEA allocations Region Chief, Northern and Region Chief, Southern.

ASSISTANT DEPUTY DIRECTOR, PRE-FIRE PLANNING, PREVENTION AND FLEET ADMINISTRATION

The Department of Forestry's (DOF) proposal to allocate the above position to the CEA category has been approved effective July 15, 2005, contingent upon DOF abolishing the existing CEA allocations Region Chief, Northern and Region Chief, Southern.

ASSISTANT DEPUTY DIRECTOR, FIRE PROTECTION, OPERATIONS

The Department of Forestry's (DOF) proposal to reallocate the existing CEA allocation Assistant Deputy Director Fire Protection to the Assistant Deputy Director, Fire Protection, Operations has been approved effective July 15, 2005, contingent upon DOF abolishing the existing CEA allocations Region Chief, Northern and Region Chief, Southern.

BUREAU CHIEF, DEPARTMENTAL SERVICES BUREAU

The Department of Justice's request to establish the CEA allocation, Bureau Chief, Departmental Services Bureau, on a permanent basis, has been approved effective July 15, 2005. SPB previously approved the above mentioned allocation as a limited term approval for a period of two years effective June 26, 2003.

25. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

NONE

26. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

27. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY

28. BOARD ACTIONS - (See Agenda - Page 20)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

(2:00 p.m. – 3:00 p.m.)

29. EMPLOYEE PERSONNEL MATTER, PART II

Deliberation to consider the appointment, employment, evaluation of performance or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee unless the employee requests a public hearing. [Government Code Section 11126(a)(1).]

A D J O U R N M E N T

19. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

(1) **PATRICK BARBER, CASE NO. 04-0174PA**

Appeal from dismissal

Classification: Youth Correctional Counselor

Department: Department of the Youth Authority

Proposed decision adopted November 3, 2004
modifying dismissal to 45 calendar days suspension

Transcript prepared

Pending oral argument June 7, 2005, Sacramento

Oral argument continued

Oral argument heard July 13, 2005, Sacramento

Case ready for decision by FULL Board

(2) **JAMES MCAULEY, CASE NO. 04-1856**

Appeal from dismissal

Classification: Associate Transportation Engineer, Caltrans
(Registered)

Department: Department of Transportation

Proposed decision rejected March 8-9, 2005

Transcript prepared

Oral argument heard June 7, 2005, Sacramento

Case ready for decision by FULL Board

B. CASES PENDING

ORAL ARGUMENTS

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

- (1) **JON CHASE, CASE NO. 04-0392A**
Appeal from 30 working days suspension.
Classification: Associate Management Auditor
Department: Employment Development Department

C. CHIEF COUNSEL RESOLUTIONS

NONE

COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

NONE

STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

PROPOSED DECISIONS

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) **MARCO ARANO-SERRANO, CASE NO. 04-2351**
Appeal from 18 calendar days' suspension
Classification: Correctional Officer
Department: Department of Corrections
- (2) **VINCENT CRANDELL, CASE NO. 05-0453**
Appeal from official reprimand
Classification: Correctional Sergeant
Department: Department of Corrections

- (3) **LISA DUBOIS, CASE NO. 04-1804**
Appeal for dismissal
Classification: Prison Canteen Manager I
Department: Department of the Youth Authority
- (4) **JOSEPH FERRERE, CASE NO. 05-0034**
Appeal from five percent reduction in salary for 12 months
Classification: Correctional Officer
Department: Department of Corrections
- (5) **SHERI GHAGHAHI, CASE NO. 05-0131**
Appeal from two-step reduction in salary for twelve months
Classification: Psychiatric Technician
Department: Department of Corrections and Rehabilitation
- (6) **JONADAB “CESAR” HERRERA, CASE NO. 05-0895**
Appeal from dismissal
Classification: Custodian
Department: San Jose State University, San Jose
- (7) **MINAS MAROKI, CASE NO. 04-2700**
Appeal for dismissal
Classification: Correctional Officer
Department: Department of Corrections
- (8) **VIRGINIA ORTIZ, CASE NO. 04-2814 & 04-2513E**
Appeal from rejection during probationary period
Classification: Motor Vehicle Assistant
Department: Department of Motor Vehicles
- (9) **JASON P. TURNER, CASE NO. 05-0924**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections
- (10) **DONALD J. VODICKA, CASE NO. 04-0624E**
Appeal from whistleblower retaliation
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
- (11) **EILEEN WRIGHT, CASE NO. 04-2821**
Appeal from rejection during probation
Classification: Office Assistant (Typing)
Department: Department of Corrections

Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

E. PETITIONS FOR REHEARING

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) KONSTANTINOS DIMOYANNIS, CASE NO. 02-3813P**
Appeal from dismissal
Classification: Research Analyst I
Department: Department of Industrial Relations
- (2) DON DOWLING, CASE NO. 04-1482AP**
ROGER HANSON, CASE NO. 04-1523AP
Appeal from dismissals
Classification: Peace Officer I
Department: Department of Developmental Services
- (3) DONALD KUNKEL, CASE NO. 04-2262EP**
Appeal from discrimination/retaliation complaint
Classification: Caltrans Equipment Operator II
Department: Department of Transportation
- (4) FRANK OLIVAS, CASE NO. 02-3390P**
Appeal from demotion
Classification: Correctional Sergeant to Correctional Officer
Department: Department of Corrections

(5) NATHANIEL RICO, CASE NO. 05-0082P

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections

WHISTLEBLOWER NOTICE OF FINDINGS

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

(1) PATRICK BRASS, CASE NO. 04-1952A

Appeal from dismissal

Classification: Youth Correctional Counselor

Department: Department of the Youth Authority

Proposed decision rejected July 26, 2005

Pending transcript

(2) JON CHASE, CASE NO. 04-0392A

Appeal from 30 working days suspension

Classification: Associate Management Auditor

Department: Employment Development Department

Proposed decision rejected April 19, 2005

Transcript prepared

Pending oral argument July 13, 2005, Sacramento

Oral argument continued

Pending oral argument August 9, 2005, Sacramento

(3) GARY GARFINKEL, CASE NO. 98-3128RB

Appeal for determination of back salary, benefits and interest

Classification: Deputy Attorney General IV

Department: Department of Justice

Proposed decision rejected July 13, 2005

Pending transcript

- (4) **INTERNATIONAL UNION OF OPERATING ENGINEERS, UNIT 12, LOCALS 3, 12, 39, & 501, CASE NO. 04-0813A [PSC File No. 04-002 (b)]**
Review of personal services contract for maintenance and grounds keeping
Department: California Science Center
- Proposed decision rejected June 21, 2005
Pending transcript
- (5) **JOSEPH MARTINEZ, CASE NO. 04-2690A**
Appeal from dismissal
Classification: Hospital Police Officer
Department: Department of Mental Health
- Proposed decision rejected May 17, 2005
Transcript prepared
Pending oral argument August 30-31, 2005, Los Angeles
- (6) **KIM RITTENHOUSE, CASE Nos. 03-3541A & 03-3542E**
Appeal from denial of reasonable accommodation
Classification: Office Technician (General)
Department: Department of Fish and Game
- Proposed decision rejected May 18, 2004
Pending transcript
- (7) **ANDREW RUIZ, CASE NO. 04-2391A**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections
- Proposed decision rejected June 7, 2005
Pending transcript
- (8) **MARK SAMORA, CASE NO. 04-3091**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections
- Proposed decision rejected June 7, 2005
Pending transcript

21. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

WITHHOLD FROM CERTIFICATION CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) **LEILANI BLUEFORD, CASE NO. 04-0547**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; omitted pertinent information, furnished inaccurate information and had negative law enforcement contacts.
- (2) **JESUS CARDENAS, CASE NO. 04-2587**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; furnished inaccurate information and omitted pertinent information.
- (3) **TYSHEIKA OGBUEHI, CASE NO. 04-1998**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability; negative driving record and failure to comply with legal obligations.
- (4) **JOE SALAZAR, CASE NO. 04-2886**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability and firearm prohibition.
- (5) **MATTHEW VERDIN, CASE NO. 04-1999**
Classification: Correctional Officer
Department: Corrections
Issue: Suitability and failure to register for Selective Service.

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

NONE

**C. EXAMINATION APPEALS
MINIMUM QUALIFICATIONS
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

EXAMINATION APPEALS

NONE

MINIMUM QUALIFICATIONS

NONE

MERIT ISSUE COMPLAINTS

NONE

**D. RULE 211 APPEALS
RULE 212 OUT OF CLASS APPEALS
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

NONE

E. REQUEST TO FILE CHARGES CASES

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

NONE

PETITIONS FOR REHEARING CASES

NONE

F. PSYCHOLOGICAL SCREENING CASES

Cases reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.

NONE

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC.

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

4. HEARING – Personal Services Contract #04-03

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

5. HEARING

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

6. JAMES MCAULEY , CASE NO. 04-1856

Appeal from dismissal. Associate Transportation Engineer. Department of Transportation. (Oral argument held June 7, 2005.)

7. HEARING – Personal Services Contract #05-03

Appeal of SEIU Local 1000 (CSEA) from the Executive Officer's February 16, 2005 Approval of a Contract for Information Technology Services between the California Department of Health Services (DHS) and IDNS, Inc. (Hearing held July 13, 2005)

8. PATRICK BARBER, CASE NO. 04-0174A.

Appeal from dismissal. Youth Correctional Officer. Department of Youth Authority. (Oral Argument held July 13, 2005)

NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE SECTION 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *